

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THERESA JOHNSON and U.S. POSTAL SERVICE,
CASTLETON POST OFFICE, Indianapolis, Ind.

*Docket No. 97-2151; Submitted on the Record;
Issued April 8, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the Office of Workers' Compensation Programs properly denied appellant's March 26, 1997 request for reconsideration.

This case has previously been before the Board. The Board in a decision dated March 12, 1997 affirmed an Office nonmerit decision on reconsideration dated March 7, 1995 which denied appellant's request for reconsideration of an Office merit decision dated October 29, 1992 on the grounds that her request was untimely filed and failed to present clear evidence of error.¹

Appellant now appeals from a decision of the Office dated April 21, 1997 which denied her March 26, 1997 reconsideration request. In her letter appellant stated, "I am writing requesting reconsideration concerning my workers compensation."

A reconsideration claims examiner issued a decision on April 21, 1997 stating that appellant had filed an application for review "seeking modification of the decision therein dated March 12, 1997 (issued by the [Employees' Compensation Appeals Board])." The reconsideration examiner denied the claim on the grounds that appellant did not submit any new, relevant medical or factual evidence, did not offer any pertinent legal contentions or arguments of fact, and had not met the requirements of 20 C.F.R. § 10.138(b)(1)(i-iii).

The March 12, 1997 decision was a nonmerit decision of the Board. The Office, however, is without authority to review a decision of the Board. Thus, appellant's March 26, 1997 letter requesting "reconsideration concerning her workers compensation" must refer to the most recent Office merit decision denying her claim, that is, the Office's decision dated October 29, 1992. However, the Office denied appellant review of that decision on March 7, 1995 because her request for review was untimely filed and failed to present clear evidence of

¹ Docket No. 95-1870 (issued March 12, 1997).

error. It was that decision that the Board affirmed on March 12, 1997. Aside from requesting reconsideration in a one sentence letter dated March 26, 1997, appellant has submitted no evidence to address the untimely filing and failure to present clear evidence of error that the Board affirmed in its March 12, 1997 decision.

The Board finds that appellant is not entitled to a merit review of the Office's merit decision dated October 29, 1992 for the precise reasons noted by the Board in its most recent decision dated March 12, 1997.

The April 21, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
April 8, 1999

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member